

REMARKS/ARGUMENTS

The Applicants thank the Examiner for his acknowledgment that Claims 42-64 are allowable. Further, the Applicants thank the Examiner for the acknowledgement that Claims 9, 10, 21, 22, 34 and 41 contain allowable subject matter.

5

Claim Rejections – 35 USC 102

In sections 2 and 3 of the Office Action, the Examiner rejected Claims 2-5, 8, 11-13, 15-17, 20, 23-25, 28-31, 33, and 37-39 as being anticipated by Chern et al. US Patent Publication No. 2003/0060211, herein referred to as “the Chern reference.”

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Claim 2

Specifically, regarding Claim 2, the Examiner asserted that the Chern reference discloses orientation data to assist with user-generated queries, pointing to paragraphs 0040, 0084, and 0085. Further, in response to the Applicants arguments, on pages 7 and 15 8, the Examiner stated that he disagrees with the Applicants assertion that the Chern reference does not teach “orientation data.” The Examiner repeated his belief that the Chern reference teaches a GPS system that provides orientation data (i.e. location/positioning data from a constellation of satellites). The Examiner further indicated that he has addressed the limitations that are in the claims that are the broadest 20 reasonable interpretation consistent with the applicant’s specification. The Applicants respectfully disagree with the characterization of the Chern reference by the Examiner.

In order to establish a *prima facie* case of anticipation, the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and 25 (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met. Thus, “[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.” *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). The Applicants submit that the Chern reference does not teach, disclose, or suggest 30 “orientation data” as is claimed in Claim 2.

Claim 2 claims, in part, “... the position detection system is comprised of a variety of complimentary devices that provide user *position data* to assist with the user-generated quires; ... wherein said position detection system further provides *orientation data* to assist with user-generated queries.” (emphasis added) Thus, Claim 2 claims both 5 user position data and orientation data.

In the final office action, the Examiner again asserted that he is interpreting the position data of a GPS system disclosed by Chern to teach the position data and orientation data claimed in Claim 2.

First, the Applicants submit that if position data were the same thing as 10 orientation data then the Applicants would not have included both terms in the claims and in the specification. Further, the Applicants supplied different definitions in the specification for each term. The paragraph spanning pages 7 and 8 of the application and in the first full paragraph on page 8, provides examples of what is meant by “position data” and “orientation data.” The paragraph spanning pages 7 and 8 of the application 15 provides an interpretation of “position data,” stating “the system requires either that the user’s position be manually entered by the user, or that the system to receive the user’s position form an automatic position-sensing device 202 such as a global positioning system (GPS).” The first full paragraph on page 8 provides an interpretation of “orientation data,” stating “Additional embodiments of the present invention allow 20 explicit querying of the information server 100 based on the position and orientation of the user. Such querying can be achieved with the aid of a body-worn device such as a compass that transmits the orientation of the user to the information server 100.” Thus, the Applicants submit that position data is not the same thing as orientation data.

Second, the Applicants submit that GPS systems do not provide orientation data. 25 Appendix A includes a definition of a GPS system from Encyclopedia Britannica Online ® where GPS is defined to be a system where one can quickly and accurately determine latitude, longitude, and in most cases altitude of a point on or above the Earth’s surface. The Applicants submit that this is position data. Applicants provide Appendix B with the Merriam-Webster’s Online Dictionary ® definition of position, the relevant definition 30 being 3a: the point or area occupied by a physical object. Thus, the GPS system provides position data.

In contrast, the term “orientation” is defined as the act or process of orienting or being oriented; or the state of being oriented, as shown in Appendix C which is the definition of orientation from Merriam-Webster’s Online Dictionary ®. Appendix D shows the relevant definition of orient as 1b: to set or arrange in any determinate position especially in relation to the points of the compass. There is no mechanism of the GPS satellites to provide orientation data. The GPS system can provide information on where a person is on a map, but not the orientation (direction) the person is facing. Thus, the Applicants submit that the Chern reference, in teaching a GPS system, does not teach, disclose or suggest “orientation data” as is claimed in Claim 2.

10 The following arguments are re-presented from the response filed May 17, 2004. MPEP 2111 states “During patent examination, the pending claims must be “given *>their< broadest reasonable interpretation consistent with the specification.” citing to *In re Hyatt*, 211 F.3d 1367, 1372 (Fed. Cir. 2000). The Applicants point to the paragraph spanning pages 7 and 8 of the application and the first full paragraph on page 8 as

15 examples of what is meant by “position data” and “orientation data.” First, the paragraph spanning pages 7 and 8 of the application provides an interpretation of “position data,” stating “the system requires either that the user’s position be manually entered by the user, or that the system to receive the user’s position form an automatic position-sensing device 202 such as a global positioning system (GPS).” While the first full paragraph on

20 page 8 provides an interpretation of “orientation data,” stating “Additional embodiments of the present invention allow explicit querying of the information server 100 based on the position and orientation of the user. Such querying can be achieved with the aid of a body-worn device such as a compass that transmits the orientation of the user to the information server 100.” In light of the foregoing, the Applicants submit that consistent

25 with the specification, position data is not the same thing as orientation data, position data being something that can be obtained from GPS and orientation being something that requires directional information from a device such as a compass.

30 The Applicants submit that while the Chern reference does teach providing position data, the Chern reference does not teach, disclose or suggest orientation data, as is claimed in Claim 2. In the Chern reference, paragraph 0040 refers to a position determination system. In the middle of the paragraph, it states “Position determination

system 134 determines location in terms of parameters such as latitude, longitude, height, speed of travel, and any other useful location or position parameters. In one embodiment, the position determination system 134 is implemented using a GPS (global positng system) or differential GPS. Paragraph 0084 of the Chern reference discusses additional 5 details of the GPS embodiment, where there is a GPS receiver 304 and an antenna 310 which allows the GPS receiver 304 to communicate with the constellation of GPS satellites. Finally, paragraph 0085 of the Chern reference discusses voice synthesis and/or recognition capabilities. Thus, the Applicants submit that position data, which can be received from a GPS system and includes latitude, longitude, etc., is taught by the 10 Chern reference; however the Applicants are unaware how the Examiner is interpreting the Chern reference to teach orientation data. As is explained above, in light of the specification, orientation data is different from position data, as the orientation data includes direction. Therefore, the Applicants submit that the Chern reference does not teach, disclose or suggest all of the elements claimed in Claim 2. Therefore, Claim 2 is 15 patentable over the references cited by the Examiner.

Claim 4

The Applicants note that the Examiner did not respond to the Applicant's arguments regarding Claim 4 in his final Office Action dated August 9, 2004. If the 20 Examiner still maintains his rejection of Claim 4, the Applicants respectfully request that the Examiner respond to the Applicants arguments in order for the Applicants to have a better understanding of the Examiner's rejection. The arguments presented in the May 17, 2004, response are re-presented herein.

In reference to Claim 4, the Examiner stated on pages 3 and 4 of the office action 25 that the Chern reference discloses that said location-specific information is spatially enhanced based on the user position and orientation data to appear to be coming from a location with which the information is associated, citing to paragraphs 0040, 0063 through 0065, 0084 and 0085. As previously discussed with reference to Claim 2, the Applicants submit that the Chern reference does not teach, disclose or suggest orientation 30 data; therefore, the Chern reference does not teach, disclose or suggest that the "location-

specific information is spatially enhanced based on the user position and orientation data.”

In addition, the Applicants submit that the Chern reference does not teach, disclose or suggest that the “location-specific information is spatially enhanced … to appear to be coming from a location with which the information is associated,” as is claimed in Claim 4. In the Chern reference, paragraph 0040 refers to the hands-free unit having a position determination system. Paragraphs 0063 through 0065 describe providing location-based driving directions in response to a user request. These paragraphs describe that door-to-door driving directions as well as city-to-city driving directions are available. These paragraphs discuss how the starting location and ending location are determined. The starting location is either determined by the position determination, i.e. GPS system, or by the user entering the information. The Chern reference teaches, at step 640, that the user enters the destination city, in the case of city-to-city directions, or at step 644, that the user enters the destination address in the case of door-to-door driving directions requested. Paragraph 0065 describes that the driving directions are transmitted to the handset 130 and are displayed or audibly presented to the user. Paragraph 0084 of the Chern reference presents additional details of the GPS embodiment, where there is a GPS receiver 304 and an antenna 310 which allow the GPS receiver 304 to communicate with the constellation of GPS satellites. Finally, paragraph 0085 of the Chern reference discloses voice synthesis and/or recognition capabilities.

The Applicants submit that none of the paragraphs referenced by the Examiner, and nowhere in the Chern reference, is the limitation of “location-specific information is spatially enhanced based on user position and orientation data to appear to be coming from a location or object with which the information is associated,” taught as is claimed in Claim 4. The Chern reference teaches that the directions may be provided to the user in an auditory fashion, but does not teach, disclose or suggest that the auditory information is spatially enhanced to appear to be coming from a location or object with which the information is associated. Therefore, the Applicants submit that Claim 4 is patentable, not only due to its dependence upon an allowable base claim; but because none of the art cited by the Examiner teaches, discloses or suggests all of the limitations of Claim 4.

Claim 13

The Applicants note that the Examiner did not respond to the Applicant's arguments regarding Claim 13 in his final Office Action dated August 9, 2004. If the 5 Examiner still maintains his rejection of Claim 13, the Applicants respectfully request that the Examiner respond to the Applicants arguments in order for the Applicants to have a better understanding of the Examiner's rejection. The arguments presented in the May 17, 2004, response are re-presented herein.

Regarding Claim 13, the Examiner stated on page 4 of the office action, that 10 Chern discloses the provision of location-specific information based on an expected user destination determined from the user orientation data, citing to paragraphs 0062 through 0065. As previously presented with reference to Claim 2, the Applicants submit that the Chern reference does not teach, disclose or suggest orientation data, thus the Applicants submit that the Chern reference does not teach, disclose or suggest providing location- 15 specific information based on an expected user destination determined from the user orientation data as is claimed in Claim 13.

In addition, the Applicants submit that the Chern reference does not teach, disclose or suggest an audio transmission device configured to "provide location-specific information based on an expected user destination determined from the user orientation 20 data," as is claimed in Claim 13. As previously presented, paragraphs 0063 though 0065 describe providing location-based driving directions in response to a user request. These paragraphs describe door-to-door driving directions as well as city-to-city driving directions as being available. Additionally, these paragraphs disclose how the starting location and ending location are determined. The starting location is either determined 25 by the position determination mechanism, i.e. GPS system, or by the user entering the information. The Chern reference teaches, at step 640, that the user enters the destination city, in the case of city-to-city directions, or at step 644, the user enters the destination address if it is door-to-door driving directions that are requested. Thus, the Chern reference teaches that the user destination is determined from user input. In contrast, 30 Claim 13 claims, "user destination determined from the user orientation data." Thus, the Applicants submit that the Chern reference does not teach, disclose or suggest all of the

limitations of Claim 13. Therefore, the Applicants submit that Claim 13 is patentable over the cited prior art, in addition to being patentable based upon an allowable base claim.

5 ***Claims 3-13***

Claims 3-13 are dependent upon Claim 2. For the reasons given above, the Applicants submit that Claim 2 is patentable over the cited prior art. Thus, the Applicants submit that Claims 3-13 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

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Claim 15

Claim 15 includes the limitations off “... utilizing a position detection system comprised of a variety of position devices to generate a *user position*; ... wherein the position detection system further collects user *orientation data*.” (emphasis added) The
15 Applicants submit that Claim 15 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.

Claims 16-25

Claims 16-25 are dependent upon Claim 15. For the reasons given above, the
20 Applicants submit that Claim 15 is patentable over the cited prior art. Thus, the Applicants submit that Claims 15-25 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 28

25 Claim 28 claims “... a position detection system capable of providing the *user-specified-specific-geographic location*; ... wherein the position detection system further provides orientation data to assist with user-generated queries,” (emphasis added) The Applicants submit that Claim 28 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.

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Claims 29-34

Claims 29-34 are dependent upon Claim 28. For the reasons given above, the Applicants submit that Claim 28 is patentable over the cited prior art. Thus, the Applicants submit
5 that Claims 29-34 are also patentable over the cited prior art at least through their dependence upon an allowable base claim.

Claim 37

Claim 37 claims, "... choosing a user-specified-geographic location by utilizing a
10 position detection system, wherein the user-specified-specific-geographic location is a *user's position* ... wherein the position detection system further provides *user orientation data*." (emphasis added) The Applicants submit that Claim 37 is patentable over the cited prior art for at least the same reasons that Claim 2 is patentable over the cited prior art.
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Claims 38-41

Claims 38-41 are dependent upon Claim 37. For the reasons given above, the Applicants submit that Claim 37 is patentable over the cited prior art. Thus, the Applicants submit that Claims 38-41 are also patentable over the cited prior art at least
20 through their dependence upon an allowable base claim.

Concluding Remarks:

In view of the foregoing, it is respectfully submitted that all now pending claims 2-13, 15-25, 28-34, and 37-64 are in allowable condition. Reconsideration is respectfully requested. Accordingly, early allowance and issuance of this application is respectfully requested. Should the Examiner have any questions regarding this response or need any additional information, please contact the undersigned at (310) 589-8158.

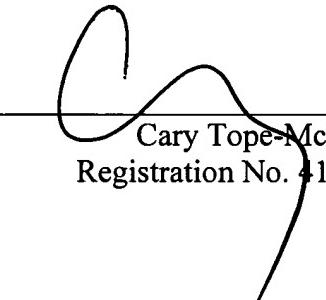
The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-2691. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-2691.

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Respectfully submitted,

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10/5/04
Date



Cary Tope-McKay
Registration No. 41,350

25 Cary Tope-McKay
TOPE-MCKAY & ASSOCIATES
23852 Pacific Coast Hwy. #311
Malibu, Ca 90265
Tel: 310.589.8158
30 Mobile: 310.383.7468
Fax: 310-943-2736
E-mail: cmckay@topemckay.com

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GPS is a fleet of more than 24 communications satellites that transmit signals globally around the clock. With a GPS receiver one can quickly and accurately determine the latitude, longitude, and in most cases the altitude of a point on or above the Earth's surface. A single GPS receiver can find its own position in seconds from GPS satellite signals, to an accuracy of 10 meters; accuracy within one meter can be achieved with sophisticated military-specification receivers. This capability has reduced the cost of acquiring spatial data for making maps while increasing cartographic accuracy. Other applications include measuring the movement of polar ice sheets, or even finding the best auto route between given points.

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9 entries found for **position**.
To select an entry, click on it.

position[1,noun]
position[2,transitive verb]
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lotus position
missionary position
plan position indicator

Go



position

Main Entry: **1po·si·tion**

Pronunciation: p&-'zi-sh&n

Function: noun

Etymology: Middle English *pospcion*, from Middle French *position*, from Latin *positio*, *positio*, from *ponere* to lay down, put, place, from (assumed) Old Latin *posinere*, from *po-* away (akin to Old Church Slavonic *po-*, perfective prefix, Greek *apo* away) + Latin *sinere* to leave -- more at [OF](#)

1 : an act of placing or arranging: as a : the laying down of a proposition or thesis b : an arranging in order

2 : a point of view adopted and held to <made my *position* on the issue clear>

3 a : the point or area occupied by a physical object <took her *position* at the head of the line> b : a certain arrangement of bodily parts <rose to a standing *position*>

4 : a market commitment in securities or commodities; also : the inventory of a market trader

5 a : relative place, situation, or standing <is now in a *position* to make decisions on his own> b : social or official rank or status c : an employment for which one has been hired : JOB <a *position* with a brokerage firm> d : a situation that confers advantage or preference

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